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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,851	10/08/2003	Jerome D. Brown	10386US01	7145
7590 12/02/2005				
Imat incorp. PO Box 64898 St. Paul, MN 55164-0898			EXAMINER RIVERA, WILLIAM ARAUZ	
			ART UNIT 3654	PAPER NUMBER
DATE MAILED: 12/02/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/681,851

Applicant(s)

BROWN ET AL.

Examiner

William A. Rivera

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 26-44 is/are pending in the application.
- 4a) Of the above claim(s) 2-8, 12, 13, 32-34 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 9-11, 26-31, 35 and 37-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Election/Restrictions

Applicant's election **without** traverse of Species III (Figure 5), Claims 1, 9-11, 14, 26-31, 35, and 36 in the reply filed on February 25, 2005 is acknowledged. Claims 2-8, 12-13, 15-25, 32-34 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on February 25, 2005.

Claim 36 will also be withdrawn because there is no disclosure as to what applied stress corresponds to an effective radial modulus of 0.3million pounds-per-square-inch.

Claim Rejections - 35 USC § 112, 1st Paragraph

Claims 1-44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In the instant case, the specification states that "*As used herein, the effective radial modulus characterizes the relative resistance to radial deformation of the tape winding surface 66 due to successive wraps of storage tape 28.*" As such, it is unclear as to how many successive wraps is needed to achieve a situation in which the tape winding surface would have an effective radial modulus of greater than 0.3 million pounds-per-square-inch? How much or what force is being applied to the tape winding surface in order to achieve the radial modulus? Does the material wrapping the winding surface affect the effective radial modulus?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 9-10, 14, 26-29, 31, 35, 37, 39, 41, and 44 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Weyrich et al (U.S. Patent No. 3,485,456).

With respect to Claims 1, 9-10, 14, 26-29, 31, 35, 37, 39, 41, and 44, Weyrich et al, Figures 1-3, teaches a tape reel assembly comprising: a hub 12 defining an inner surface and a tape winding surface, at least a portion of the hub being made of plastic; wherein the tape winding surface has an effective radial modulus of greater than 0.3 million pounds-per-square-inch.

It would have been obvious to one of ordinary skill in the art that Weyrich et al would meet each of the limitations because the metal insert 26 provides reinforcement for the plastic hub thereby creating a highly rigid, and sturdy reel construction.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1, 9-10, 14, 26-29, 31, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art in view of Weyrich et al (U.S. Patent No. 3,485,456).

With respect to Claim 1, the admitted prior art, Page 10, lines 20-22, teaches a hub having an effective radial modulus of 0.19 Msi. Weyrich et al, Figures 1-3, teaches a plastic hub and a metal insert 26. It would have been obvious to one of ordinary skill in the art to provide the plastic hub of the admitted prior art with a metal insert, as taught by Weyrich et al, for the purpose of increasing the strength of the hub thereby increasing the effective radial modulus.

No Art Rejection

With respect to Claims 11, 30, 38, 40, and 42-43, no art rejection can be advanced since any such rejection would require improper reliance on speculative assumptions as to the meaning of the terms in the claim. An absence of a rejection should not be construed as indicating allowable subject matter by the examiner.

Response to Arguments

Applicant's arguments with respect to claims 1, 9-11, 14, 26-31, 35, and 37-44 have been considered but are moot in view of the new ground(s) of rejection.

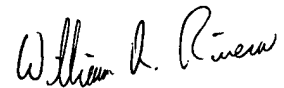
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William A. Rivera whose telephone number is 571-272-6953. The examiner can normally be reached on Monday to Friday - 7:30 to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



WILLIAM A. RIVERA
PRIMARY EXAMINER

November 27, 2005